

## **REMARKS**

### ***Response to Restriction Requirement***

Applicants' response to the restriction requirement and election of species are set forth in the introductory portion of this response. As there noted:

- compound claims 10, 11 and 12 (Group 3) have been left pending as being limited to claim 2, which has been amended to the scope of elected invention. In the event that claims 10, 11 and 12 encompass compounds outside of the scope of the elected invention, they will be amended as necessary to be consistent with claim 2.
- Process-for-making claim 13 (Group ) has been left pending, inasmuch as its dependency on claim 2 necessarily brings it within the scope of the elected invention, and, it is understood, will be rejoined for further examination upon allowance of claim 2.
- Method of treatment claim 15 (Group ) has been left pending, inasmuch as its dependency on claim 2 necessarily brings it within the scope of the elected invention and, it is understood, will be rejoined for further examination upon allowance of claim 2.

### ***Claim Amendments***

Claim 1 has been cancelled as being non-elected, and claim 2 has been amended to limit the variable "X" to the elected invention. Claim 3 has been cancelled as being in a "use" format, which is not generally acceptable in U.S. practice. These amendments have been made without waiver or prejudice to applicants' rights to pursue the cancelled subject matter in one or more divisional applications.

Claim 2 and certain of the remaining claims (as indicated) have been reformatted to use hanging indents to set off some of the sub-definitions of variables, in order to reduce the number of levels of parentheticals used in the claims as filed. These formatting changes are being made only to facilitate reading of the claims, are not intended to change the substantive scope of the original claims in any respect.

***Information Disclosure Statement***

An Information Disclosure Statement, together with a form PTO-1449 and a copy of the documents cited, is being submitted with this response. It is respectfully requested that the Examiner consider each of the documents at the time this application is taken up for a first Action on the merits, and acknowledge such consideration by returning an initialed copy of the form PTO-1449 to the undersigned.

***Conclusion***

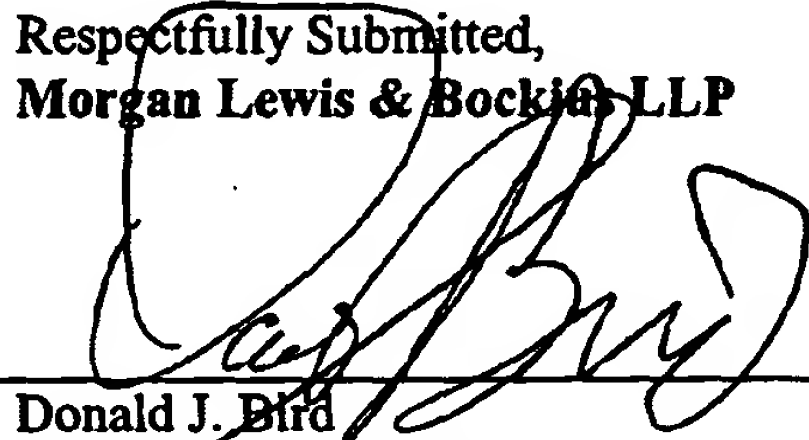
In view of the above elections and amendments to the claims, it is believed that this application is not in condition for examination on the merits, and a favorable Action is respectfully requested.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: September 8, 2003  
Morgan Lewis & Bockius LLP  
Customer No. 09629  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. No.: 202-739-3000  
DJB:mk

By:

  
Donald J. Bird  
Registration No. 25,323  
Tel. No.: (202) 739-5320  
Fax No.: (202) 739-3001